

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 14, 2006. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Drawings Objection

The Office Action states that Figure 1 should be labeled "Prior Art" because "only that which is old is illustrated." Applicant disagrees. Although the components in Figure 1 are indeed all known, the components comprise inventive aspects, as evidenced by Figures 2 and 3. If Applicant labels Figure 1 as "Prior Art," the implication would be that the various software and firmware shown in Figures 2 and 3 is likewise prior art (see Figures 2 and 3 that include reference numerals originating from Figure 1). As Applicant would like to avoid such an implication, Applicant respectfully declines to amend Figure 1.

II. Title Objection

The title has been objected to for as not being descriptive. In response, Applicant has amended the title to "Systems and Methods for Facilitating Installation of Firmware on a Printing Device." Applicant respectfully submits that the new title is highly descriptive of Applicant's claimed inventions and further that the new title clearly distinguishes over the prior art, such as the applied reference.

III. Claim Rejections - 35 U.S.C. § 101

Claims 8-12 and 20-34 have been rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter.

Regarding claims 8-12 and 20-24, recited in the claim are various "means." Applicant notes that nowhere in the claims or the specification is it stated that those means are limited only to "software." For example, regarding claim 8, it is possible to interpret the "means for transmitting" as including a physical transmission device, such as a modem, transceiver, router, etc. In view of that, claims 8-12 are not necessarily limited to "software" and therefore constitute statutory subject matter under 35 U.S.C. § 101.

Regarding claims 25-28, Applicant has amended the claims to recite a "computer-readable medium". Applicant submits that such a medium constitutes a "manufacture" under 35 U.S.C. § 101.

Finally, regarding claims 29-34, Applicant recites a "printing device". Clearly such a device qualifies as either a "machine," a "manufacture," or both under 35 U.S.C. § 101.

In view of the above, Applicant respectfully submits that all claims are directed to statutory subject matter as defined by 35 U.S.C. § 101 and therefore respectfully requests that the rejection be withdrawn.

IV. Claim Rejections - 35 U.S.C. § 102(b)


Claims 1-34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Lomas, et al.* ("Lomas," U.S. Pat. No. 6,424,424). Applicant respectfully traverses this rejection.

Lomas discloses a method and apparatus for downloading and *installing a printer driver on a user computer* to enable a user to use a printer See Lomas, column 2, lines 33-36. In view of that, Lomas provides no teachings as to facilitating installation of "firmware" on a "printing device". In view of at least that fact, the Lomas reference does anticipate Applicant's claims. Applicant therefore respectfully requests that the rejections be withdrawn.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

10-23-06
May McGehee
Signature